

**REMARKS**

Claims 1-9 were pending in the present application. Claims 2 and 4 have been canceled without prejudice or disclaimer herein. Thus claims 1, 3, and 5-9 are now pending in the present application. The applicants respectfully request reconsideration and allowance of the present application in view of the above amendments and the following remarks.

The applicants note with appreciation the acknowledgement of the claim for priority under section 119 and the notice that all of the certified copies of the priority documents have been received.

Claims 1-3, 7 and 9 stand rejected under 35 U.S.C. §102(e) as being allegedly anticipated by Okada et al, U.S. Patent No. 6,439,606, (hereinafter "Okada"). Claim 2 has been canceled and will not be discussed. Claim 1 has been amended herein.

With regard to claim 1, applicants note that claim 1 has been amended herein to include the features of claim 2 and claim 4 and to clarify the features originally claimed as described for example on page 29, lines 1-4 of applicants specification regarding the claimed preliminary folding. No new matter has been introduced.

Applicants first note that in making the rejection, the Examiner asserts that Okada discloses a preliminary folded shape of an airbag for example in Figures 2, 3, 5, and 6. However, a close review reveals that, for example as shown in Fig 2B and Fig 5B of Okada, a portion near an upper edge of a passenger's side wall portion (38) is clearly *not* arranged at a position to a confront gas inlet port (15). Gas inlet port 15, at best, may be arranged to confront a longitudinal center portion of passenger's sidewall portion 38. A review of, for example, Fig 32 of applicants' specification reveals the distinguishing arrangement of the portion confronting the gas inlet port.

Accordingly a *prima facie* case of anticipation has not been established in that the applied reference fails to disclose all the claimed features as required. It is respectfully requested therefore that the rejection of claim 1 be reconsidered and withdrawn.

Claims 3, 7, and 9 by virtue of depending from claim 1, are believed allowable for at least the reasons set forth hereinabove with regard to claim 1. It is respectfully requested that the rejection of claims 3, 7, and 9 be reconsidered and withdrawn.

Claims 4-6 and 8 stand rejected under 35 U.S.C. 103 (a) as being allegedly unpatentable over Okada in view of JP5-305851 ("JP '851"). Claim 4 is canceled and will not be discussed and the rejection is otherwise respectfully traversed.

Claims 5, 6, and 8 by virtue of depending from claim 1, are believed allowable for at least the reasons set forth hereinabove with regard to claim 1. It is respectfully requested therefore that the rejection of claim 5, 6, and 8 be reconsidered and withdrawn. In addition, independent grounds for the allowability of claims 5, 6, and 8 are as follows.

Applicants first note that under 35 U.S.C. 103 (c), Okada cannot properly be applied since the subject matter of Okada and the subject matter of the present application were, at the time of the invention, owned by or subject to an obligation of assignment to the same entity.

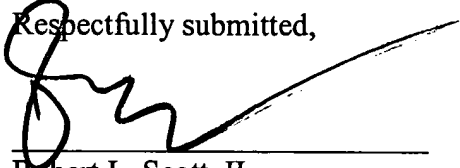
Notwithstanding the improper application of Okada to the applied art combination, applicants note that in the present invention, the airbag can protrude toward a passenger in a flat state from the initial stage of deployment since the passenger's side wall portion is not folded in the preliminary folded step (*see*, page 6, line 14 to page 7, line 1 and Fig 16 of applicants' specification). JP '851 and thus the applied art combination, fails to teach or suggest such a feature which, in accordance with the claimed invention, provides a prominent operational advantage over prior art devices.

Accordingly a *prima facie* case of obviousness has not been established in that the applied art combination is improper and still fails to teach or suggest all the claimed features as required.

In view of the forgoing, the applicants respectfully submit that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

Please charge any unforeseen fees that may be due to Deposit Account No. 50-1147.

Respectfully submitted,



Robert L. Scott, II  
Reg. No. 43, 102

Posz & Bethards, PLC  
11250 Roger Bacon Drive, Suite 10  
Reston, VA 20190  
Phone 703-707-9110  
Fax 703-707-9112  
Customer No. 23400